



January 19, 2018

The Honorable Ron Johnson, Chairman  
Committee on Homeland Security and Governmental Affairs  
United States Senate  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Johnson:

Thank you for your letter dated December 19, 2017 seeking certain information and records regarding Presidential Transition Team ("PTT") materials.<sup>1</sup> The General Services Administration ("GSA") is dedicated to facilitating effective, orderly, and trustworthy presidential transitions and is committed to complying with all of its statutory obligations pursuant to the Presidential Transition Act of 1963. In response to your requests, GSA is providing the following information and materials:

**Committee Request No. 1:**

A description of steps taken by GSA to determine the appropriateness of providing privileged TFA documents to the Special Counsel's Office, including the identity of the GSA staff member who authorized the production of TFA documents to the Special Counsel's Office, and the identity of the GSA staff member designated as the Federal Transition Coordinator.

**Response:**

As noted in your letter, GSA acts merely as a facilitator of office space, supplies, and services with respect to materials generated by incoming presidential administrations during the orderly transition of power.<sup>2</sup> As such, GSA is not in a position to determine the privileged nature of any presidential transition documents stored with GSA and, upon information and belief, GSA did not review PTT materials prior to producing information to the Special Counsel's Office pursuant to that office's requests for information.<sup>3</sup>

Two GSA attorneys—its then-General Counsel and its PTT support attorney—did, however, inform the Special Counsel's Office on separate occasions in June 2017 that PTT

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<sup>1</sup> Presidential Transition Team ("PTT") and Trump for America, Inc. ("TFA") refer to the same entity and are used interchangeably throughout this letter.

<sup>2</sup> 3 U.S.C. § 102 note; *see also*, Letter from Chairman Ron Johnson, S. Comm. on Homeland Security and Governmental Affairs to Administrator Emily Murphy, General Services Administration (Dec. 19, 2017) (<https://www.hsgac.senate.gov/download/johnson-letter-to-gsa>).

<sup>3</sup> GSA preserved PTT materials pursuant to document preservation requests from various entities, including TFA, the Department of Justice, and Congressional committees.

materials are not government records and recommended that it issue a subpoena or obtain a search warrant if it desired access to those materials. On August 23, 2017, the FBI sent a letter to GSA requesting (b) (7)(A), (b) (7)(E)

(b) (7)(A), (b) (7)(E). On August 30, 2017, the FBI sent another letter requesting (b) (7)(A), (b) (7)(E) (b) (7)(A), (b) (7)(E). It appears that the decision to comply with those letters and produce PTT materials to the Special Counsel's Office was made by GSA's Deputy General Counsel Lennard Loewentritt, together with other GSA attorneys.<sup>4</sup> At the time the decision was made, Tim Horne, GSA's then-Acting Administrator, served as the Federal Transition Coordinator.

GSA is continuing to review the facts and circumstances that led to the production of PTT materials to the Special Counsel's Office. However, upon information and belief, the GSA attorneys involved in the production did not consult with GSA's Acting Administrator, its General Counsel, or its PTT support attorney prior to providing information to the Special Counsel's Office.

**Committee Request No. 2:**

A copy of the Memorandum of Understanding to which TFA and GSA entered to guide the transition process from the Obama Administration to the Trump Administration.

**Response:**

Enclosed please find a thumb drive with a folder labeled "Request Number 2 and 3 Files," bearing bates label GSA 006407 to GSA 006423.

**Committee Request No. 3:**

Any training or guidance provided to GSA and career staff assisting presidential transition teams on the private nature of transition team's records and the legal protections of these private materials.

**Response:**

Enclosed please find a thumb drive with a folder labeled "Request Number 2 and 3 Files," bearing bates label GSA 006424 to GSA 006444.

**Committee Request No. 4:**

All documents and communications between or among GSA, the Department of Justice, and the Special Counsel's Office, referring or relating to the production of records generated during the presidential transition for President-elect Donald J. Trump.

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<sup>4</sup> Both when the letters were received and the decision to comply with the letters was made, GSA's then-General Counsel was out of the office on extended medical leave. Furthermore, GSA's PTT support attorney was out of the office on annual leave.

**Response:**

Enclosed please find a thumb drive with two folders labeled "Request Number 4, 5, and 6 Emails" and "Request Number 4, 5, and 6 Attachments" bearing bates label GSA 000001 to GSA 006406.

**Committee Request No. 5:**

All documents and communications between or among GSA and TFA referring or relating to the production of records generated during the presidential transition for President-elect Donald J. Trump.

**Response:**

Enclosed please find a thumb drive with two folders labeled "Request Number 4, 5, and 6 Emails" and "Request Number 4, 5, and 6 Attachments" bearing bates label GSA 000001 to GSA 006406.

**Committee Request No. 6:**

All documents and communications between GSA employees or contractors referring or relating to the production of records generated during the presidential transition for President-elect Donald J. Trump.

**Response:**

Enclosed please find a thumb drive with two folders labeled "Request Number 4, 5, and 6 Emails" and "Request Number 4, 5, and 6 Attachments" bearing bates label GSA 000001 to GSA 006406.

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GSA takes its responsibilities under the Presidential Transition Act seriously and welcomes the opportunity to work with your Committee to establish protocols to ensure effective presidential transitions. If you have any further questions, please do not hesitate to contact me.

Respectfully submitted,

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Jack St. John  
Acting General Counsel